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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/409,366	09/30/1999	YUE HENG XU	INTL-0250-US	5274

7590 10/20/2005

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EXAMINER
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LUU, SY D

ART UNIT	PAPER NUMBER
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2174

DATE MAILED: 10/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/409,366

**Applicant(s)**

XU, YUE HENG

**Examiner**

Sy D. Luu

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 21 July 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-14,31 and 32 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-14,31 and 32 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 September 1999 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |                                                                                         |                                                                             |
|-----------------------------------------------------------------------------------------|-----------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____                                                |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____                                                             | 6) <input type="checkbox"/> Other: _____                                    |

**DETAILED ACTION**

1. This communication is responsive to the Reply filed July 21, 2005.
2. Claims 1-14 and 31-32 are pending in this application. Claims 1 and 10 are independent claims. This action is made Non-Final.
3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

***Claim Rejections - 35 USC § 103***

4. Claims 1-14 and 31-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stautner et al. ("Stautner", US 6,172,677) in view of Klosterman (US 5,550,576) and Boyer et al. ("Boyer", US 6,268,849).

As per claim 1, Stautner teaches a method of implementing an electronic programming guide through a program receiver comprising: providing access to a first electronic programming guide with a first set of program selections over an airwave broadcast medium (fig. 5); providing access to a second electronic programming guide with a second set of program selections (fig. 2); and enabling a user selection of viewing programs (col. 4, lines 58-60).

Stautner does not specifically teach that the first and second EPGs to be provided over different media, specifically the second medium to be the Internet. However, providing EPGs over different media is known in the art. For instance, Klosterman teaches that EPGs can be "provided in a separate data stream via a different medium" (col. 6, lines 12-14), or "generated within the IRD box, a satellite receiver, the television, the VCR, a central office location, etc." (col. 6, lines

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23-25), and if program schedule information is "received in a format which is ready for immediate display" less memory is required for the program guide system (col. 6, lines 1-11). It would have been obvious to an artisan at the time of the invention to provide the programming guides of Stautner over different media as in Klosterman in order to reduce memory requirements of the program guide system.

While Klosterman teaches that EPGs can be provided in a separate data stream via a different medium, Klosterman does not expressly disclose the medium to be the Internet. However, providing EPGs over the Internet is known in the art. For instance, Boyer teaches an EPG system for receiving program content from the Internet (abstract). It would have been obvious to an artisan at the time of the invention to combine Boyer's teaching of using the Internet as a medium for obtaining additional program content with the method of Stautner-Klosterman, because the Internet is a world wide network which could greatly extend the resources for obtaining program contents for EPGs.

As per claim 2, Stautner shows that the second set (fig. 2) to be more extensive than the first set (fig. 5).

As per claim 3, Stautner teaches that the first EPG provides the programming guide and program content (fig. 5).

As per claim 4, Stautner-Klosterman-Boyer shows providing the second EPG (Stautner, fig. 4).

As per claim 5, Stautner-Klosterman-Boyer teaches the step of automatically coupling the user to said Internet upon receiving a request for access from the user (Klosterman, col. 7, lines 46-52).

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As per claim 6, Stautner-Klosterman-Boyer teaches internet access (Stautner, col. 3, lines 45-46; Grooters, col. 5, lines 27-29).

As per claim 7, Klosterman teaches user selection of provided program selections (col. 6, lines 34-56).

As per claim 8, Stautner teaches providing the first and second EPGs in response to user request (col. 4, lines 29-34).

As per claim 9, Stautner teaches providing tuning information (col. 4, lines 58-60).

Claims 10-14 are similar in scope to claims 1 and 5-8 respectively, and are therefore rejected under similar rationale.

As per claim 31, Boyer teaches providing access to program guides on two different web sites (col. 4, lines 28 et seq.).

Claim 32 is similar in scope to claim 31, and is therefore rejected under similar rationale.

#### ***Response to Amendment***

5. Applicant's arguments, see Applicant's remarks on page 2, filed July 21, 2005, with respect to claims 1 and 10 have been fully considered and are persuasive. The rejections of claims 1-14, and 31-32 have been withdrawn. New grounds of rejections over Stautner et al. and Klosterman in view of Boyer et al. (6,268,849) are set forth below.

#### ***Inquires***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sy Luu whose telephone number is (571) 272-4064. The examiner can normally be reached on Monday - Friday from 7:300 am to 4:00 pm (EST).

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine Kincaid, can be reached on (571) 272-4063.

The fax number for the organization where this application or proceeding is assigned is (571) 273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



**SY D. LUU**  
**PRIMARY EXAMINER**  
**ART UNIT 2174**